

## Exhibit 4

Julian Mark and Beth Reinhard, *Trump Administration Moves to Drop Transgender Discrimination Cases*, The Washington Post (Feb. 15, 2025)

*Democracy Dies in Darkness*

# Trump administration moves to drop transgender discrimination cases

The EEOC, citing executive orders targeting gender identity, is aiming to dismiss half a dozen cases, marking a reversal in U.S. civil rights enforcement.

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By [Julian Mark](#) and [Beth Reinhard](#)

The Trump administration is moving to dismiss more than a half-dozen workplace discrimination cases filed on behalf of transgender employees, citing President Donald Trump's recent executive order declaring that the government recognizes only two genders — male and female.

The move by the Equal Employment Opportunity Commission marks an abrupt shift in the federal government's approach to civil rights enforcement. The cases encompass allegations that transgender workers at the fast food chain Wendy's were called "it," as well as claims that transgender employees at the Lush cosmetics chain were subjected to inappropriate touching and explicit comments about their genitalia. The companies have denied the allegations outlined in the claims, which were both filed in 2024.

The agency also has stopped investigating new gender-identity complaints, according to a person familiar with the matter who spoke on the condition of anonymity out of fear of retaliation. The EEOC processes many workplace discrimination claims and has traditionally operated somewhat independently from the White House.

The wholesale dismissal of multiple cases by a new administration is unusual, said Don Livingston, who served as the EEOC general counsel under President George H.W. Bush. He said the plaintiffs in these cases have the right to proceed with their claims through the court system without the EEOC's involvement.

That's what Michigan resident Asher Lucas, a 21-year-old transgender man, plans to do. He says that when he worked at the Culver's fast food chain in 2021, co-workers repeatedly called him "she" and "her" as well as the birth name he no longer uses. He was fired when he complained about the alleged harassment, according to the EEOC lawsuit filed on his behalf.

"This is really important to me because I know this is happening to other trans people who are afraid to do anything about it," Lucas said. "I am willing to be that person in the hope that things change."

Culver's either denied or said it lacked knowledge of many of the allegations listed in the EEOC complaint. A lawyer representing the company didn't immediately respond to a request for comment.

The EEOC's reversal on gender-identity cases comes as nearly every corner of the federal government has been scrubbing references to transgender people and abandoning previous interpretations of their rights. Trump has issued executive orders — now being challenged in court — denying federal funds to schools that allow transgender athletes to compete on girls' and women's teams and to providers of gender transition care for people younger than 19. Many federal agencies have removed transgender references from websites; the EEOC has erased information about how transgender workers can file complaints about workplace discrimination and harassment.

"We generally knew what they were going to do, but in every instance it's been even worse than anticipated," said Greg Nevins, senior counsel at Lambda Legal, a civil rights group.

Nevins and other LGBTQ+ advocates say the fallout from Trump's Jan. 20 order on gender is colliding with the landmark 2020 case *Bostock v. Clayton County*, in which the Supreme Court ruled that firing people because of their gender identity or sexual orientation violates the prohibition against sex discrimination under Title VII of the Civil Rights Act. The gender identity cases brought by the EEOC were filed under the civil rights law.

"If it is illegal to fire somebody because they are transgender, how could it possibly be legal for them to be harassed relentlessly?" Nevins said. "The fact that they are pulling out of such solid litigation efforts is really disappointing and unprincipled, and the executive order makes transgender people even more vulnerable to attack."

The agency overhaul began last month, when Trump appointed Republican Andrea Lucas as acting chair of the EEOC. Lucas — no relation to the Michigan plaintiff — is an ardent critic of transgender rights and diversity, equity and inclusion (DEI) initiatives who has served on the commission since 2020.

Then, breaking with decades of precedent, Trump fired two of the three Democrats on the board. Lucas announced that the EEOC would remove material "promoting gender ideology" from its website, along with the options for employees to indicate their pronouns in the email system. The agency also rescinded the use of "X" — an option for workers who do not identify as male or female — in the complaint intake process.

"Biology is not bigotry. Biological sex is real, and it matters. Sex is binary (male and female) and immutable," Lucas said in a statement announcing the changes Jan. 28. "It is not harassment to acknowledge these truths — or to use language like pronouns that flow from these realities, even repeatedly."

Lucas did not respond to a request for comment Saturday regarding the requests to dismiss the transgender cases and the halting of new investigations into gender-identity discrimination claims.

A Washington Post review of six EEOC cases involving transgender plaintiffs found that in recent days, the commission filed motions in federal court arguing that the suits "may be inconsistent" with Trump's Jan. 20 order, which says federal agencies recognize that women are "biologically female, and men are biologically male."

The cases were brought on behalf of workers from across the country, working in a range of industries – from hospitality to fast food to hog farming. They allege their employers subjected them to a hostile work environment because of their gender identity and, in some cases, cost them their jobs.

In March 2024, the EEOC filed a case on behalf of a transgender woman who alleged that her employer, Sis-Bro – a hog farm in New Athens, Illinois, repeatedly told her that she was “not a woman” and criticized her for receiving gender-affirming care, according to the lawsuit. It adds that the company engaged in sex discrimination by allowing a co-worker to expose his genitals to the transgender worker and touch her breasts.

On Friday, the EEOC moved to dismiss that case, citing Trump’s executive order. Sis-Bro had moved to dismiss the claims in May, arguing that the EEOC failed to state sufficient facts and support for those facts. Attorneys representing the company didn’t immediately respond to a request for comment Saturday.

The EEOC received more than 3,000 discrimination claims based on sexual orientation or gender identity in fiscal 2023 – a 36 percent increase from the previous year and the most since it began tracking such allegations a decade earlier.

When a visitor to the EEOC website clicks to get more information, a message appears: “The requested page could not be found.”

### **What readers are saying**

The comments reflect a polarized response to the Trump administration’s decision to dismiss workplace discrimination cases involving transgender employees. Many commenters express concern that this decision promotes discrimination and undermines the rights of transgender...

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